

Senate Bill No. 399

Passed the Senate September 10, 1999

Secretary of the Senate

Passed the Assembly September 10, 1999

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 1999, at _____ o'clock ____M.

Private Secretary of the Governor

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CHAPTER _____

An act to add Sections 19995.5 and 20677.1 to the Government Code, relating to state employees, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 399, Ortiz. State employees: State Bargaining Units 1, 3, 4, 11, and 15.

(1) Existing law provides that if any provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those provisions of the memorandum of understanding shall not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions of specified memoranda of understanding entered into between the state employer and the California State Employees Association, and would provide that the provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

This bill would provide that provisions of any memorandum of understanding approved by any section of this bill that require the expenditure of funds, shall not take effect unless funds for these provisions are specifically appropriated by the Legislature, and would provide that if funds for these provisions are not specifically appropriated by the Legislature, the state employer and the affected employee organization shall meet and confer to renegotiate the affected provisions.

(2) Existing law prescribes normal contribution rates for state miscellaneous and state industrial members of the Public Employees' Retirement System.



This bill would provide that the normal contribution rate applicable to those members in State Bargaining Units 4 and 15 from January 1, 2000, to August 31, 2000, shall be determined pursuant to a memorandum of understanding.

(3) Existing law authorizes the Department of Personnel Administration to prescribe regulations and conditions with respect to the administration of employee training in general and authorizes the department to include specified elements as conditions for receiving training.

This bill would create in the State Treasury the State Employee Scholarship Fund, a continuously appropriated fund, to establish a program for career advancement to assist eligible state employees to participate in educational programs. The fund would be administered by the Department of Personnel Administration. The bill would provide that moneys in the fund shall be allocated from the amount negotiated in memoranda of understanding between the state and recognized employee organizations, and appropriated by the Legislature for the 2000–01 fiscal year. The fund would cease to exist on June 30, 2001, unless the existence of the fund is extended by statute and that statute is enacted and becomes effective prior to that date.

This bill would appropriate \$200,000 from the General Fund for transfer to the State Employee Scholarship Fund to provide for the establishment and administration of the state employee scholarship program.

(4) The bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that the purpose of this act is to approve agreements pursuant to Section 3517 of the Government Code entered into by the state employer and recognized employee organizations.



SEC. 2. The provisions of the following memoranda of understanding, prepared pursuant to Section 3517.5 of the Government Code, and entered into by the state employer and the following employee organizations, and that require the expenditure of funds or legislative action to permit their implementation, are hereby approved for the purposes of Section 3517.6 of the Government Code:

(a) Unit 1 (professional administrative, financial, and staff services)-- California State Employees Association.

(b) Unit 3 (education and library)-- California State Employees Association.

(c) Unit 4 (office and allied)-- California State Employees Association.

(d) Unit 11 (engineering and scientific technician)-- California State Employees Association.

SEC. 3. Provisions of any memorandum of understanding approved by any section of this act that are scheduled to take effect on or after July 1, 1999, and that require the expenditure of funds shall not take effect unless funds for these provisions are specifically appropriated by the Legislature. In the event that funds for these provisions are not specifically appropriated by the Legislature, the state employer and the affected employee organization shall meet and confer to renegotiate the affected provisions.

SEC. 4. Notwithstanding Section 3517.6 of the Government Code, the provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

SEC. 5. Section 19995.5 is added to the Government Code, to read:

19995.5. (a) There is hereby created in the State Treasury, the State Employee Scholarship Fund to which funds shall be allocated from the amount negotiated in memoranda of understanding between the state and recognized employee organizations, as defined in Section



3513, and appropriated by the Legislature for the 2000-01 fiscal year.

(b) The fund shall be used to establish a program for career advancement to assist eligible state employees to participate in educational programs that will enhance the personal growth and career development of employees in state government.

(c) The fund shall be administered by the Department of Personnel Administration. The amounts to be allocated and expended from funds available for compensation shall be determined by the department.

(d) Notwithstanding Section 13340, moneys in the fund shall be available for expenditure without regard to fiscal years through June 30, 2001. As of June 30, 2001, the fund shall cease to exist unless the existence of the fund is extended by statute and that statute is enacted prior to June 30, 2001.

SEC. 6. Section 20677.1 is added to the Government Code, to read:

20677.1. Notwithstanding Section 20677, the normal rate of contribution for state miscellaneous and state industrial members in State Bargaining Units 4 and 15, for the period between January 1, 2000, and August 31, 2000, shall be determined pursuant to provisions of a memorandum of understanding reached pursuant to Section 3517.5.

SEC. 7. The sum of two hundred thousand dollars (\$200,000) is hereby appropriated from the General Fund for transfer to the State Employee Scholarship Fund to provide for the establishment and administration of the state employee scholarship program. Any additional funds for subsequent fiscal years shall be transferred from the amount appropriated in the annual Budget Act for employee compensation.

SEC. 8. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:



In order for the provisions of this act to be applicable as soon as possible in the 1999–2000 fiscal year and thereby facilitate the orderly administration of state government at the earliest possible time, it is necessary for this act to take effect immediately.



Approved _____, 1999

Governor

